

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN SENATE AUGUST 3, 2016

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN ASSEMBLY APRIL 28, 2016

AMENDED IN ASSEMBLY APRIL 19, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2176**

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**Introduced by Assembly Member Campos**

February 18, 2016

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An act to amend Section 8698 of, and to add and repeal Section 8698.3 of, the Government Code, relating to housing.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as amended, Campos. Shelter crisis: emergency bridge housing communities.

Existing law authorizes a governing body of a political subdivision, as defined, to declare a shelter crisis if the governing body makes a specified finding. Existing law authorizes a political subdivision to allow persons unable to obtain housing to occupy designated public facilities, as defined, during the period of a shelter crisis. Existing law provides that certain state and local laws, regulations, and ordinances are suspended during a shelter crisis, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

This bill, until January 1, 2022, upon a declaration of a shelter crisis by the City of San Jose would authorize emergency housing to include an emergency bridge housing ~~community, as defined,~~ community for the homeless. *The bill would define an emergency bridge housing community to include, but not be limited to, housing in temporary structures including, but not limited to, emergency sleeping cabins, as defined.* The bill, in lieu of compliance with state and local building, housing, health, habitability, or safety standards and laws, would authorize the city to adopt ~~and enforce~~ by ordinance reasonable local standards for emergency bridge housing communities, as specified. The bill would require the Department of Housing and Community Development to review the draft ordinance to ensure it addresses minimum health and safety standards and to provide its findings to committees of the Legislature, as provided. The bill would require the city, among other things, to match each resident of an emergency bridge housing community to an affordable housing unit identified in the city's housing plan that will be available for the resident to live in on or before January 1, 2022, and develop a plan for emergency bridge housing communities to include on-site supportive services. The bill would further require the city to annually report to the Legislature specific information on emergency bridge housing communities, including, among other information, the number of residents in every emergency bridge housing community and the actual and projected number of permanent affordable housing units available through January 1, 2022.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of San Jose.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 8698 of the Government Code is amended
- 2 to read:
- 3 8698. For purposes of this chapter, the following definitions
- 4 shall apply:
- 5 (a) "Political subdivision" includes the state, any city, city and
- 6 county, county, special district, or school district or public agency
- 7 authorized by law.
- 8 (b) "Governing body" means the following:
- 9 (1) The Governor for the state.

1 (2) The legislative body for a city or city and county.

2 (3) The board of supervisors for a county.

3 (4) The governing board or board of trustees for a district or  
4 other public agency.

5 (5) An official designated by ordinance or resolution adopted  
6 by a governing body, as defined in paragraph (2), (3), or (4).

7 (c) "Public facility" means any facility of a political subdivision  
8 including parks, schools, and vacant or underutilized facilities  
9 which are owned, operated, leased, or maintained, or any  
10 combination thereof, by the political subdivision through money  
11 derived by taxation or assessment.

12 (d) "Declaration of a shelter crisis" means the duly proclaimed  
13 existence of a situation in which a significant number of persons  
14 are without the ability to obtain shelter, resulting in a threat to their  
15 health and safety.

16 (e) "Emergency bridge housing community" means any new or  
17 existing facilities, including, but not limited to, housing in  
18 temporary structures, ~~such as camping cabins or recreational~~  
19 ~~vehicles that are reserved for homeless persons and families and~~  
20 ~~located on property leased or owned by a political subdivision.~~  
21 ~~Those facilities shall include supportive and self-sufficiency~~  
22 ~~development services, including, but not limited to, emergency~~  
23 ~~sleeping cabins consistent with the requirements of subdivision~~  
24 ~~(h) of Section 8698.3 that are reserved for homeless persons and~~  
25 ~~families, together with community support facilities, including,~~  
26 ~~but not limited to, showers and bathrooms adequate to serve the~~  
27 ~~anticipated number of residents all of which may be located on~~  
28 ~~property leased or owned by a political subdivision. An emergency~~  
29 ~~bridge housing community shall include supportive and~~  
30 ~~self-sufficiency development services,~~ have the ultimate goal of  
31 moving homeless persons to permanent housing as quickly as  
32 reasonably possible, and limit rents and service fees to an  
33 ability-to-pay formula reasonably consistent with the United States  
34 Department of Housing and Urban Development's requirements  
35 for subsidized housing for low-income persons.

36 SEC. 2. Section 8698.3 is added to the Government Code, to  
37 read:

38 8698.3. Notwithstanding any other provisions in this chapter,  
39 upon a declaration of a shelter crisis by the City of San Jose, the  
40 following shall apply during a shelter crisis:

1 (a) Emergency housing may include an emergency bridge  
2 housing community for the homeless located or constructed on  
3 any city-owned or city-leased land, including land acquired with  
4 low- and moderate-income housing funds.

5 (b) (1) ~~The city may, city,~~ in lieu of compliance with state and  
6 local building, housing, health, habitability, or safety standards  
7 and laws, ~~may adopt and enforce~~ by ordinance reasonable local  
8 standards for the design, site development, and operation of  
9 emergency bridge housing communities and the structures and  
10 facilities therein, to the extent that it is determined at the time of  
11 adoption that strict compliance with state and local standards or  
12 laws in existence at the time of that adoption would in any way  
13 prevent, hinder, or delay the mitigation of the effects of the shelter  
14 crisis. The Department of Housing and Community Development  
15 shall review the city's draft ordinance to ensure it addresses  
16 minimum health and safety standards. The department shall, as  
17 set forth in Section 9795 of the Government Code, provide its  
18 findings to the Senate and Assembly housing committees and the  
19 Senate Judiciary Committee within 30 calendar days of receiving  
20 the draft ordinance.

21 (2) During the shelter crisis, *except as provided in this section,*  
22 provisions of any state or local building, housing, health,  
23 habitability, or safety standards or laws shall be suspended for the  
24 emergency bridge housing communities provided that the city has  
25 adopted health and safety standards for emergency bridge housing  
26 communities consistent with ensuring minimal public health and  
27 safety and those standards are complied with. Landlord tenant laws  
28 codified in Sections 1941 to 1942.5, inclusive, of the Civil Code  
29 providing a cause of action for habitability or tenantability, shall  
30 be suspended for the emergency bridge housing communities  
31 provided that the city has adopted health and safety standards for  
32 emergency bridge housing communities and those standards are  
33 complied with. *During the shelter crisis, the local and state law*  
34 *requirements for an emergency bridge housing project to be*  
35 *consistent with the local land use plans, including the general*  
36 *plan, shall be suspended.*

37 (3) This section applies only to a public facility or an emergency  
38 bridge housing community reserved for the homeless pursuant to  
39 this chapter.

(c) An emergency bridge housing community constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(d) An emergency bridge housing community that complies with the applicable requirements of the Americans with Disabilities Act of 1990 (Public Law 101-336), as amended by the ADA Amendments Act of 2008 (Public Law 110-325), shall be exempt from Part 2.5 (commencing with Section 54) of Division 1 of the Civil Code and actions thereunder for the duration of the shelter crisis.

(e) The city shall match each resident of an emergency bridge housing community to an affordable housing unit identified in the city's housing plan that shall be available for the resident to live in on or before January 1, 2022.

(f) On or before July 1, 2017, the city shall develop a plan for every emergency bridge housing community to include on-site supportive services. The city shall make the report publicly available.

(g) On or before January 1, 2018, and annually thereafter, the city shall report to the Legislature the number of residents in every emergency bridge housing community, the number of residents who have moved from an emergency bridge housing community into permanent affordable housing, the average time required for a resident to receive a permanent affordable housing unit, and the actual and projected number of permanent affordable housing units available through January 1, 2022.

(h) *An "emergency sleeping cabin" means a relocatable hard-sided structure that may be used for occupancy only pursuant to Section 8698 and this section. It shall have a raised floor area of no less than 120 square feet of interior space for two occupants and a minimum of 70 square feet of interior space for one occupant. It shall contain no plumbing or gas service. An emergency sleeping cabin shall meet a minimum of a 20 pounds per square foot live load roof structure, shall be provided light,*

1 heat, and ventilation, and shall comply with minimum emergency  
2 bridge housing design standards as follows:

3 (1) Electrical power available as needed to meet the light and  
4 heat requirements of this subdivision. The source of electricity  
5 may be solar power.

6 (2) At least one interior lighting fixture.

7 (3) Electrical heating equipment approved for residential use.

8 (4) Means of ventilation allowing for adequate air replacement.

9 (5) At least one GFCI-protected receptacle for use by the  
10 occupant or occupants.

11 (6) At least two forms of egress placed remotely from each other;  
12 one of which may be an egress window with a sill height of not  
13 more than 44 inches from the floor, a minimum net opening height  
14 of 24 inches, and a minimum width of 20 inches.

15 (7) A privacy lock on each door.

16 (8) When required to meet accessibility requirements,  
17 compliance with the applicable requirements specified in Chapter  
18 11B of the California Building Code.

19 (9) One permanently wired smoke alarm with battery backup,  
20 listed and labeled in accordance with UL 217, installed in  
21 accordance with the California Residential Code and NFPA 72.  
22 Battery powered alarms are permissible in lieu of wired alarms  
23 only when the cabin is solar powered and other electrical service  
24 is not supplied to the cabin. Smoke alarms shall be listed and  
25 approved by the State Fire Marshal.

26 (10) This subdivision shall remain operative until the date on  
27 which the California Building Standards Commission includes  
28 standards in the California Building Standards Code that conform  
29 to this subdivision.

30 ~~(h)~~

31 (i) This section shall remain in effect only until January 1, 2022,  
32 and as of that date is repealed, unless a later enacted statute, that  
33 is enacted before January 1, 2022, deletes or extends that date.

34 SEC. 3. The Legislature finds and declares that a special law  
35 is necessary and that a general law cannot be made applicable  
36 within the meaning of Section 16 of Article IV of the California  
37 Constitution because of the unique need to address the problem  
38 of homelessness in the City of San Jose.

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